

CRIMINAL APPLICATION NO. 4547 of 2006

2. Shri Chitnis then drew my attention to the statement of one Shri Balkrishna Sadavarte. He submits that the entire incident narrated by the said Balkrishna Sadavarte on the basis of the version of his daughter which disclosed that the applicant Nos. 2 and 3 have been named only

because they are related to Premchand Chandrakant Patil. The statement read as a whole does not attribute any role in the incident to applicant Nos.2 and 3. They have neither abused the complainant or his family in the name of his caste, nor any overt acts of assault are alleged involving applicant Nos.2 and 3. In such circumstances, prima facie, custodial interrogation of the applicant Nos. 2 and 3 is not necessary.

3. The above facts are not disputed by the learned A.P.P. In these circumstances, applicant Nos. 2 and 3 deserve pre-arrest bail. Hence the following order.

i). In the event of arrest of the applicants Nos.2 and 3 in connection with C.R. No.I-415/2006 registered with Panvel Town Police Station, the applicants Nos.2 and 3 shall be enlarged on bail in the sum of Rs.10,000/- each, with one or two sureties in the like amount.

ii). The bail is granted subject to condition that the applicants Nos. 2 and 3 will attend the Panvel Town Police Station as and when summoned.

iii). Bail is granted subject to the condition

that the applicants Nos.2 and 3 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. The applicants Nos.2 and 3 shall not tamper with the prosecution evidence.

iv). Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v). This order will enure to the benefit of the applicants only till charge sheet is filed. Therefore, they will be free to apply to the appropriate Court for appropriate relief.

vi). Application is disposed of in the above terms.

vii). The parties to act on authenticated copy of this order.

(S.C.DHARMADHIKARI, J.)